

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Michael Rogan,

Civil No. 18-3318 (PJS/LIB)

Plaintiff,

v.

AMENDED
PRETRIAL SCHEDULING ORDER

City of Richfield, et al.,

Defendants.

In accordance with the provisions of Rule 16, Federal Rules of Civil Procedure, and the Local Rules of this Court, and the Court's inherent authority to administer the course of this Pro Se Litigation in a manner which promotes the interests of justice, economy and judicial efficiency, and for good cause related to disruption resulting from the COVID-19 pandemic, the following Amended Schedule will govern these proceedings.¹ **The Schedule may be modified further only upon formal Motion and a showing of good cause as required by Local Rules 7.1 and 16.3.**

Counsel shall also comply with the Electronic Case Filing Procedures For the District of Minnesota, pursuant to Order Adopting Electronic Case Filing, dated May 13, 2004.

THEREFORE, It is –

ORDERED:

¹ Although the Court is acting pursuant to its inherent authority in issuing this Amended Pretrial Schedule, the need for such an amended schedule came to the Courts attention by way of Docket No. 40.

I.

That all pre-discovery disclosures required by Rule 26(a)(1) shall be completed on or before **September 21, 2019**. The period during which the parties must conduct all discovery (whether fact or expert) shall terminate on **October 15, 2020**.² Disputes with regard to pre-discovery disclosures or discovery shall be called immediately to the Court's attention by the making of an appropriate Motion, and shall not be relied upon by any party as a justification for not adhering to this Pretrial Scheduling Order. No further or additional discovery shall be permitted after the above date except upon motion and by leave of the Court for good cause shown, and any independent Stipulations or agreements between counsel which contravene the provisions of this Order will not be recognized. However, upon agreement of counsel, or with leave of the Court, depositions in lieu of in-Court testimony may be taken after the close of discovery.

II.

That all Motions which seek to amend the pleadings or add parties must be filed on or before **December 15, 2019**.³

III.

That all other nondispositive Motions shall be filed prior to **November 15, 2020**. All nondispositive Motions shall be filed and served in compliance with Local Rule 7.1(a) and (b) of the Electronic Case Filing Procedures For The District of Minnesota. No discovery Motion shall be heard unless the moving party complies with the requirements of Local Rule 37.1.

² See Local Rule 16.2(d)(3) of the United States District Court For The District of Minnesota Local Rules.

³ This deadline does not apply to motions to amend pleadings to assert a claim for punitive damages. Motions which seek to assert claims for punitive damages must be filed prior to the discovery deadline in Paragraph I.

IV.

That no more than **25** Interrogatories (counted in accordance with Rule 33(a), Federal Rules of Civil Procedure), shall be served by any party.

V.

That no more than **5** depositions shall be taken by any party without prior Order of the Court.

VI.

If the parties contemplate using expert witnesses, they should notify the Court by letter requesting leave to take any expert depositions.

VII.

That each party shall fully supplement all discovery responses according to Rule 26(e), Federal Rules of Civil Procedure. Any evidence responsive to a discovery request which has not been disclosed on or before the discovery cutoff or other dates established herein, except for good cause shown, shall be excluded from evidence at trial.

VIII.

All dispositive motions (notice of motion, motion, memorandum of law, affidavits and proposed order) shall be served, filed and heard on or before **December 15, 2020**.⁴

Counsel for the moving party shall call Caryn Glover, Judge Schiltz's Courtroom Deputy, at 612-664-5483, to schedule the hearing. Parties are reminded that the scheduling of a dispositive motion requires considerable advance notice (typically three to four months). Parties should

⁴ The parties should attempt to schedule dispositive motions after all discovery has been completed and to schedule all dispositive motions for the same hearing and should strive to avoid duplication in their briefing. If the parties believe early or piecemeal dispositive motion practice is necessary, they should seek permission of the District Judge.

attempt to schedule all dispositive motions for the same hearing and should strive to avoid duplication in their briefing.

All dispositive motions shall be scheduled, filed and served in compliance with the Electronic Case Filing Procedures for the District of Minnesota and in compliance with Local Rule 7.1. When a motion, response or reply brief is filed on ECF, two (2) paper courtesy copies (three-hole punched and unstapled, and if warranted, exhibits appropriately tabbed) of the pleading and all supporting documents shall be mailed or delivered to Caryn Glover, Courtroom Deputy, at the same time as the documents are posted on ECF.

When scheduling a summary judgment hearing, the parties must notify the Court whether there will be cross-motions for summary judgment so that the Court may enter an appropriate briefing order. The parties should confer about the possibility of cross-motions before contacting chambers to schedule a summary judgment hearing.

IX.

That this case shall be ready for Trial on **April 15, 2021⁵**, or 30 days after the Court renders its Order on any dispositive motion (whichever is later), at which time the case will be placed on the Court's **JURY** trial calendar. That the anticipated length of Trial is **2 days**.

BY THE COURT:

DATED: July 9, 2020

s/Leo I. Brisbois
Leo I. Brisbois
U.S. MAGISTRATE JUDGE

⁵ **THIS DATE IS NOT A TRIAL SETTING DATE.** The parties will be notified by the Calendar Clerk of the assigned Judge to a case by way of a Notice of Trial as to when this case will be placed on the Trial Calendar. The above date is merely a notice to all parties to consider the case ready for trial as of this date. **DO NOT PREPARE FOR TRIAL UNTIL NOTIFIED.**